

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

*Plaintiffs,* §  
§  
v. §  
§  
GALVESTON COUNTY, TEXAS, §  
HONORABLE MARK HENRY, in §  
his official capacity as Galveston §  
County Judge, and DWIGHT D. §  
SULLIVAN, in his official capacity as §  
Galveston County Clerk §  
§  
*Defendants.* §  
§

**DEFENDANTS' NOTICE OF ADDITIONAL AUTHORITY**

Defendants, Galveston County, Texas, Honorable Mark Henry, the Galveston County Commissioners Court, and Dwight D. Sullivan (collectively, “Defendants”) file this notice of additional authority to alert the Court of the decision in *Petteway et al. v. Galveston County, et al.*, No. 3:13-cv-00308 (S.D. Tex. Aug. 31, 2022) (ECF 78) (attached as Exhibit A).

In support of their claims under Section 2 of the Voting Rights Act, both the NAACP and the United States complaints rely on the 2012 DOJ objection letter regarding Galveston County’s then Constable and Justice of the Peace (“JP”) precincts as supporting evidence of past discrimination. NAACP First Am. Compl. at page 2 and ¶¶ 36-40, 100-102 (ECF 38); United States First Am. Compl. ¶¶ 8, 26-29, 37, 95, 114 (ECF 30). Similar to the litigation here, the Galveston County Constable and JP precincts were the subject of litigation alleging Voting Rights Act and constitutional violations under both a discriminatory results and intentional vote dilution theories.

On August 31, 2022, the U.S. District Court for the Southern District of Texas issued its ruling finding that the 2013 JP and Constable precincts did not violate either the Constitution or Section 2 of the Voting Rights Act under an intentional vote dilution theory. *See* Ex. A. The court had previously dismissed the Plaintiffs claims under a Section 2 Voting Rights Act discriminatory results theory. *See* Ex. A at 1.

In their pending Motions to Dismiss, Defendants contend that this Court should disregard the 2012 Department of Justice letter regarding the Commissioners Court precincts as containing nothing more than non-binding legal conclusions. *See, e.g.,* Defs.' Mot. To Dismiss at 24-26 (ECF 47). This Court should also disregard that 2012 Department of Justice letter because the Court here has determined that the 2012 Department of Justice letter that made substantially similar allegations about the Constable and JP precincts lacks merit.

DATED: September 8, 2022

*Respectfully submitted,*

*/s/ Dallin B. Holt*  
Dallin B. Holt  
Attorney in Charge  
Texas Bar No. 24099466  
S.D. of Texas Bar No. 3536519  
Jason B. Torchinsky\*  
Shawn T. Sheehy\*  
[dholt@holtzmanvogel.com](mailto:dholt@holtzmanvogel.com)  
[jtorchinsky@holtzmanvogel.com](mailto:jtorchinsky@holtzmanvogel.com)  
[ssheehy@holtzmanvogel.com](mailto:ssheehy@holtzmanvogel.com)  
HOLTZMAN VOGEL BARAN  
TORCHINSKY & JOSEFIAK PLLC  
15405 John Marshall Hwy  
Haymarket, VA 2019  
P: (540) 341-8808

F: (540) 341-8809  
*\*Admitted Pro Hac Vice*

Joseph R. Russo, Jr.  
Greer, Herz & Adams, L.L.P.  
State Bar No. 24002879  
Federal I.D. No. 22559  
Jordan S. Raschke  
State Bar No 24108764  
[jrusso@greerherz.com](mailto:jrusso@greerherz.com)  
[jraschke@greerherz.com](mailto:jraschke@greerherz.com)  
One Moody Plaza, 18th Floor  
Galveston, Texas 77550  
(409) 797-3200 (telephone)  
(866) 456-0170 (facsimile)

Angie Olalde  
Greer, Herz & Adams, L.L.P.  
State Bar No. 24049015  
Fed. ID No. 11084  
[aolalde@greerherz.com](mailto:aolalde@greerherz.com)  
2525 South Shore Blvd., Ste. 203  
League City, Texas 77573  
(409) 797-3200 (telephone)  
(866) 422-4406 (facsimile)

*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

The foregoing was filed via the CM/ECF system which sent a Notice of Electronic Filing to all counsel of record.

*/s/ Dallin Holt*  
Dallin Holt